

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DR. FREDERICK JOSEPH LANNAK,  
Plaintiff,  
v.  
SEARS HARDWARE STORE,  
Defendant.

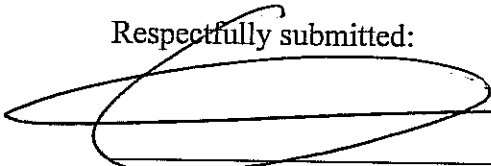
Civil Action No. 06-467

**MOTION OF DEFENDANT SEARS ROEBUCK AND COMPANY  
TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendant Sears, Roebuck and Co. (improperly named Sears Hardware Store in the Complaint), by its undersigned attorneys, hereby moves for dismissal of the Complaint for the reasons set forth in the accompanying Brief.

Respectfully submitted:

Date: August 7, 2006

  
William M. Kelleher (I.D. No. 3961)  
Ballard Spahr Andrews & Ingersoll, LLP  
919 Market Street, 12<sup>th</sup> Floor  
Wilmington, DE 19801  
Telephone: (302) 252-4465  
Facsimile: (302) 252-4466

OF COUNSEL:  
Daniel V. Johns  
Katharine A. Crawford  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103-7599  
Telephone: (215) 665-8500  
Facsimile: (215) 864-8999

Attorneys for Defendant  
Sears, Roebuck and Co.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DR. FREDERICK JOSEPH LANNAK,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 06-467
v.	:	
	:	
SEARS HARDWARE STORE,	:	
	:	
Defendant.	:	
	:	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of the Motion of Defendant Sears, Roebuck and Co. To Dismiss Plaintiff's Complaint and plaintiff's response thereto, if any, it is hereby ORDERED that defendant's motion is GRANTED and the Complaint is DISMISSED WITH PREJUDICE.

BY THE COURT:

\_\_\_\_\_  
J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DR. FREDERICK JOSEPH LANNAK,

Plaintiff,

v.

SEARS HARDWARE STORE,

Defendant.


Civil Action No. 06-467

**CERTIFICATE OF SERVICE**

I, William M. Kelleher, do hereby certify that I have caused two copies of the foregoing Motion of Defendant Sears, Roebuck and Co. To Dismiss Plaintiff's Complaint to be served on plaintiff via first-class mail, postage prepaid, at the following address:

Dr. Frederick Joseph Lannak  
126D Chestnut Crossing Drive  
Newark, DE 19713

Dated: August 7, 2006

  
William M. Kelleher (I.D. No. 3961)